



**Employment First
Oversight Commission
Report
FY 2013 – FY 2014**

Employment First Oversight Commission Annual Report

Delaware's Employment First Act (H.B. 319) was signed by Governor Markell on July 16, 2012 which promotes the right that all persons with disabilities have the opportunity for competitive employment and establishes the Employment First Oversight Commission (hereafter referred to as "Commission") under the State Council for Persons with Disabilities (SCPD).

The Act recites that it is the policy of this State that competitive employment in an integrated setting shall be considered its first and priority option for people who are of working age, including people with disabilities. All state agencies that provide services and support to persons with disabilities shall follow this policy and ensure that it is effectively implemented in their programs and services. Competitive employment means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting and for which a person with a disability is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by persons without disabilities.

The bill also requires State agencies to coordinate and collaborate efforts to ensure that state programs, policies, procedures and funding support competitive employment opportunities. In addition, the bill requires state agencies to, whenever feasible, share data and information across systems in order to track progress toward full implementation of this Act. Finally, State agencies are encouraged to adopt measurable goals and objectives to promote assessment of progress in implementing this Act.

HB 319 also establishes the Employment First Oversight Commission under the purview of SCPD. Membership includes 4 people with disabilities appointed by the Legislature; Delaware Association of Rehabilitation Facilities (DelARF); Division of Industrial Affairs; Division of Vocational Rehabilitation (DVR); Department of Education (DOE); Department of Health and Social Services (DHSS); Division of Developmental Disabilities Services (DDDS) and the Developmental Disabilities Council (DDC). Duties of the Commission include reviewing measurable goals and objectives submitted by each relevant state agency to ensure implementation of this Act; tracking the measurable progress of state agencies in implementing this Act; and preparing an annual report detailing progress and identifying barriers to achieving outcomes along with effective strategies and policies that can help realize the employment first initiative. State agencies are required to fully cooperate with the Commission in providing data and information to assist the Commission in carrying out its duties.

After appointments were finalized regarding membership, the Commission started meeting in late Fall of 2012. At the outset of the passage of H.B. 319 and the start of the Commission's work, there were other initiatives being implemented or considered. The most important of these was that Governor Markell made employment of people with disabilities his priority during his one year tenure as Chair of the NGA from 2012-2013. The goal of *A Better Bottom Line: Employing People with Disabilities* was to advance employment opportunities for people with disabilities by:

- Educating both private-sector and public-sector employers about accommodating people with disabilities in the workplace and the benefits of doing so;
- Supporting state governments in joining with business partners to develop blueprints to promote the hiring and retention of individuals with disabilities in integrated employment in both the public and private sectors; and
- Establishing public–private partnerships to build out those blueprints and increase employment of individuals with disabilities.

The “blueprint” is organized into five topic areas that emerged from discussions over the course of the year and presents examples of actions governors can take in each area. The five top areas are:

- Make disability employment part of the state workforce development strategy;
- Find and support businesses in their efforts to employ people with disabilities;
- Be a model employer by increasing the number of people with disabilities working in state government;
- Prepare youth with disabilities for careers that use their full potential, providing employers with a pipeline of skilled workers; and
- Make the best use of limited resources to advance employment opportunities for people with disabilities.

Consistent with the Governor’s initiative and aspiring to be a model for state government in hiring and retaining employment of people with disabilities, Delaware established a committee (chaired by DHSS and DVR) to address critical areas in this context. In collaboration with other state agencies, including the Commission, the following initiatives have been undertaken during FYs 13 and 14:

- Survey of State Executive Branch employees has been conducted regarding the rate and nature of disabilities among state employees; perceptions and attitudes regarding opportunities for and barriers to employment and advancement for persons with disabilities with State workforce; differences of perceptions and attitudes among selected subgroups of employees; and recommendations to improve opportunities for employment and advancement of persons with disabilities in State workforce (to date, the formal report has not been released).
- Current State Programs are being revisited regarding employment of people with disabilities (e.g. Agency Aide, Selective Placement) to determine effectiveness and areas of improvement.
- A State Web Portal is being developed.
- Office of Disability Employment (ODEP) and National Disability Institute (NDI) are collaborating with Delaware on Vision Quest (technical assistance) and Employment Rebalancing and Reinvestment Initiative (ERRI) initiatives (assessment).
- On-line training curriculum is being developed for State Hiring Managers and Supervisors.

The Employment First Oversight Commission is aligning its work with the NGA and State Initiatives.

While the Commission has put in considerable work to fulfill the requirements of the law and work on the aforementioned initiatives, much discussion was needed to clarify affected agencies, the Employment First “philosophy”, intent of the law and differences on appropriate work settings for people with disabilities. Regarding the last issue, although the intent of H.B. 319 is addressing integrated competitive employment, open discussion clearly revealed differences within the disability community on what are viable employment options for people with disabilities.

Given specific language in the law that indicates affected agencies are those providing services to people with disabilities and that the bill relates to employment services, the Commission identified the following agencies to begin its focus: Division of Developmental Disabilities Services (DDDS); Division of Substance Abuse and Mental Health (DSAMH); Division of Services for Aging and Adults with Physical Disabilities (DSAAPD); Division of Visually Impaired (DVI); Division of Vocational Rehabilitation (DVR); Department of Education (DOE); and Division of Prevention and Behavioral Health Services (PBHS). Also considered, but not included in the area or focus were the Department of Correction (DOC); the Division of Social Services (DSS); Division of Medicaid and Medical Assistance (DMMA); Delaware Department of Transportation (DelDOT) and DOL/Employment & Training. These may be considered at a later time.

In January 2013, in an attempt to gather baseline data, the Commission issued a letter to the aforementioned agencies which provided an overview of H.B. 319 and requested the following information:

- What are your agency’s policies and/or processes to promote and achieve meaningful and competitive employment opportunities for people with disabilities in your system?
- What data, if any, does your agency compile on people with disabilities in your system that receive vocational supports? Please provide such data from your agency’s most recently completed fiscal year. In addition, what vocational supports and services are provided by your agency?

_____ Sheltered Workshops

_____ Competitive Employment

_____ Other (please explain)

- Please state your agency’s existing strategic plan, with goals and objectives, to promote and achieve meaningful and competitive employment opportunities for people with disabilities in your system.
- What are the barriers your agency experiences in promoting and achieving meaningful and competitive employment opportunities for people with disabilities?

- Does your agency have any innovative ideas or best practices which may enhance meaningful and competitive employment opportunities for people with disabilities?
- If you have not already identified a representative consistent with the legislation, please identify a person who will be your agency's liaison to the Employment First Oversight Commission.

The information received was inconsistent. Some agencies provided detailed information which corresponded to the request, while others provided vague information and still others did not provide any information consistent with the request. DDDS, DVI and DVR reported on its submissions of information at the February 2013 meeting. Other agencies were not present. In summary, the initiative to develop baseline data was unsuccessful. It was agreed that a Commission subcommittee would be established to adopt a protocol and tools to encourage state agencies to adopt their own measurable goals and objectives to promote implementation of H.B. 319.

While the subcommittee did meet several times along with the Commission during 2013, it became apparent that Governor Markell's NGA initiative and the other aforementioned efforts (e.g. survey of State employees, Vision Quest and ERRI) may have a dramatic impact on the direction of the Commission. Given these initiatives and the Commission's lack of clear direction at this point, it was decided to have a Retreat. This occurred in February 2014. In addition, two subsequent meetings with the Retreat facilitator in the Spring clarified the Commission's mission, goals, objectives and workgroups.

The Commission's mission is to ensure that state agencies promote and implement the Employment First Act so that people with disabilities, as a first option, have the opportunity for meaningful and competitive employment in fully integrated work settings. We carry out this mission by working with state agencies to:

- Review the programs, policies, procedures, and funding of agencies that are related to implementation of the Employment First Act;
- Track and report on the progress of those agencies in reaching measurable goals and objectives related to the Act; and
- Identify barriers to achieving those goals and objectives and finding strategies to overcome those barriers.

The Retreat and subsequent meetings with the facilitator resulted in consolidation and the following priority areas and goals:

- **Priority Area: Data Standards, Needs, and Analysis**

Goal: Establish measurable annual performance goals and objectives with clear and meaningful benchmarks that track key indicators of the support for competitive and integrated employment and the effective implementation of the Employment First Act.

- **Priority Area: Strategic Recommendations and Reporting**

Goal: Ensure that each relevant state agency has a strong and effective policy detailing how it will implement the Employment First Act.

- **Priority Area: Education, Awareness, and Advocacy**

Goal: Develop an effective communication and marketing plan that informs and educates all stakeholders on the Employment First Act and the philosophy of employment first.

Goals and related objectives are in Appendix I. The Retreat Outcomes are in Appendix II.

At the close of FY 14, the Commission created three subcommittees consistent with each priority to work on the goals and objectives and then share with the full Commission at its bi-monthly meeting. Given better focus as a result of the Retreat, and related initiatives (which require Commission participation) being finalized that can give further guidance (e.g. ERRI and VQ initiatives), greater progress is certainly expected during FY 15. However, this will only occur if Commission members are committed and relevant state agencies collaborate with the Commission as required by the law.

Employment First Oversight Commission

Strategic Priorities, Goals, & Objectives

Priority Area: Data Standards, Needs, and Analysis

Goal

Establish measurable annual performance goals and objectives with clear and meaningful benchmarks that track key indicators of the support for competitive and integrated employment and the effective implementation of the Employment First Act.

Objectives:

- **Develop and implement a system for collecting accurate data related to tracking the progress integrated and competitive employment that is consistent across all agencies**

Action Items/Strategies

- Identify relevant data we want to collect
- Check with DVR and DVI methods
- Research other states
- Ensure relevant stakeholders from each agency meet to discuss data being collected and its relevance to the Act
- Develop a template for data collection

- **Obtain necessary data from 100% of relevant state agencies**

- **Develop a scorecard that will determine/rank strengths of relevant state agencies**

Action Items/Strategies

- Establish accurate baseline of employment data
- Develop benchmarks and (time frame) employment outcome targets
- Gather data for analysis
- Produce reports on agency performance on targets

Additional items from meeting notes

- Develop and provide data collection needs to stakeholders (once template is developed)
- Ensure all agencies are consistent in the collection and reporting of data
- Create template/methodology for analyzing data reported by relevant agencies
- Identify data to be collected that measures effectiveness

Priority Area: Strategic Recommendations and Reporting

Goal

Ensure that each relevant state agency has a strong and effective policy detailing how it will implement the Employment First Act

Objectives:

- **Identify minimum policy standards for state agencies to incorporate into existing policies (timeframe)**
- **Create a reporting template for the Commission to provide feedback to stakeholders by July 31, 2014.**
- **Create annual report that will identify/support the Employment First Commission's findings/analysis & issue a report on barriers and strategic recommendations to overcome them.**

Additional items from meeting notes

- No people with disabilities be told/given activity that does not pay them
- All people with disabilities get paid minimum starting pay
- Analyze data and information (collected and access current employment practices) to determine current barriers which prevent Employment First opportunities
- The appropriate state agency should receive state reports at least semiannually
- Determine recipients of reports (legislature, agencies, etc.)
- Establish policy for public reporting of agency policies and procedures of agency implementation of the Act
- Develop a template for what is needed in Annual Report

Priority Area: Education, Awareness, and Advocacy

Goal

Develop an effective communication and marketing plan that informs and educates all stakeholders on the Employment First Act and the philosophy of employment first.

Objectives:

- Develop a tailored marketing plan for each stakeholder group by September 30, 2014.
- Develop a website that will educate/inform visitors on both the Employment First Oversight Commission and its mission
- Create a newsletter
- Develop outreach and training plan for stakeholders, including agencies and other commissions
- Develop criteria for stakeholders

Additional items from meeting notes

- Develop a communications plan which provides the commissions purpose, goals, and objectives
- Provide education and support to individuals and families in understanding the implications of the EFA to address their concerns and questions
- Increase relevant state agencies awareness and understanding of the Employment First Act as it relates to the function of their departments
- Assuring all stakeholders are educated on Employment First Act
- Provide consistent message to stakeholders and customers regarding purpose, needs, and goals of commission.
- No person with disability shall be denied opportunity to be prepared for employment
- Development of policies and procedures by each agency for implementing the Act
- Determine top 2-3 areas to focus on (i.e. PWD, state agencies, general public)
- Develop a communication plan that markets and promotes the philosophy of employment first
- Develop a robust marketing plan that educates, promotes awareness, and advocates for Employment First

**EMPLOYMENT FIRST OVERSIGHT COMMISSION
STRATEGIC PLANNING RETREAT
February 11, 2014**

Mission

The Commission's mission is to ensure that state agencies promote and implement the employment first Act so that people with disabilities, as a first option, have the opportunity for meaningful and competitive employment in fully integrated work settings. We carry out this mission by working with state agencies to:

- Review the programs, policies, procedures, and funding of agencies that are related to implementation of the Employment First Act.
- Track and report on the progress of those agencies in reaching measurable goals and objectives related to the Act.
- Identify barriers to achieving those goals and objectives and finding strategies to overcome those barriers.

OUTCOMES

VALUES/GUIDING PRINCIPLES

These are some of the beliefs, principles, and values that help us carry out our mission:

Equality

- All people can work
- People with disabilities are entitled to an equal opportunity to work
- Equal pay for equal work
- The opportunity for all students with significant disabilities to experience integrated competitive employment.
- Each student must be given the opportunity to learn skills they may need to pursue higher education and/or employment.
- All people with disabilities are the customers of the work of this Commission.

Understanding

- Honesty, respect, objective understanding
- Belief in human dignity and sense of self worth
- Promote high expectations
- People with disabilities have informed choice when selecting their employment. This should be an on-going, regular process.

Patience

Pragmatic

- Be strategic, not opportunistic
- Commitment and follow through with objectives
- Commitment of the Commission Members to the Commission
- Be thoughtful and seek to build understanding among stakeholders.

CHALLENGES & ISSUES

Data

- Reliability of measurable data
- Request for information
- What are we measuring?
- Who are our partner agencies?
- How can Commission integrate data needs for consistent information & agency linkages?
- Accessing all relevant data in a timely manner

Communication

- Challenge: communicating the mission to the public at large
- Getting the “right” person(s)
- Dissemination of information
- Education of Employment First
- Agencies need to understand the importance of this work and respect the process
- School districts need to understand the importance of this work and respect the process.
- Build importance of the outcome needed
- Families & students need information that will enable them to make informed decisions and be able to advocate at IEP/504 level

Perceptions

- Stigma about PWD & capability
- Fear of disclosure – stereotyped
- Fear of unknown
- Fear of the unknown “scared factor”
- Getting commitment from other agencies
- We might be #86 on Division Director’s priority list.
- EFOC – Toothless Tiger
- Overcoming stigma about people with disabilities and ability to work

Limited Resources

- Keeping focused on our legislative mandate
- Resources and Allocating/Reallocating to make changes
- Rhode Island DOJ Finding's Letter
- Mass. Blueprint \$24 mm- 4 years
- State agencies with limited resources to adopt Policy Procedure Program
 - A. Alignment
 - B. Already moving toward alignment
 - C. Might be willing to adopt but have systemic constraints

Additional Barriers

- Transportation
- Change way to do business
- Subminimum wages

Customer & Stakeholder Analysis Results

State Agencies

- Clear expectations
- Technical assistance
- Effective models that meet our mutual objectives
- Communicate desired outcomes and give feedback
- Communication of what commission does
- Provide knowledge regarding best practices
- Feedback in response to their data
- Consultation to develop employment first practices
- Acknowledging and/or understanding of where they are, what they currently are doing
- Clear definition of our purpose, what employment first is, best practices, and resources
- Need to know what the job of the commission is (education) and what information is needed from them [this could also be relative to potential employers and parents]
- Desired information of data being requested and how it will be measured and tracked
- Current, timely, accurate information as it pertains to information gathered and progress of goals
- Consistency and clarity of direction

Who are our customers and stakeholders?
What do they need, want, expect from us?
What special concerns do we need to be aware of?

People with Disabilities

- Information on employment first to empower their ability to make informed choices in relevant meetings
- Timely customer oriented engagement
- Quality services
- Self-directed facilitation
- Information to make choices
- Where do I get a job and what sort of job
- Equal opportunity
- Equal pay for equal work
- Available services
- Fair reimbursement rates

Shared Needs

- Education and guidance on the employment first philosophy
- Clear definition of the role and purpose of the Employment First Oversight Commission

Governor and Legislators

- Feedback on commission findings to help make funding decisions related to employment of people with disabilities
- Confidence in viability of policy

SWOT Results

**bolded items are those that commission members checked off as being the more important factors*

Strengths

- **National Initiative**
- **Employment First Act**
- **Commitment of Commission**
- **Small State - increases collaboration**
- **Willingness to listen**
- Clean Slate
- Knowledge
- Diversity of Members
- Support of Nationwide Movement; Governor's Initiative
- Legislators support - HB319

Opportunities

- **Final rule on community**
- **Pathways to Employment**
- **National Sub Minimum Wage Discussion**
- **Legislative/Governor Support**
- **Vision Quest aligning of funding**
- **National Initiative (NGA)**
- **Doing "something" without being under a court mandate**
- **Disability Community**
- DOJ
- Gain more knowledge through Community of Practice
- Youth Engagement
- Unemployment rate continues to decrease
- ERRI Technical assistance assessment of where DE is at w/E.F.
- HB220 - Require every school district have assistive technology

Weaknesses

- **Need for publicity on the issue**
- **Lack of reporting standards, hard to compile information**
- **Silos around disability**
- **Potential overlap with work of other bodies**
- Funding Reality
- Behind schedule on the work
- Homogenous Group
- Lack of awareness of employment 1st concept & legislation
- Lack of authority to implement change

Threats

- **The need to follow the money (service providers)**
- **Transportation**
- **Fear of change - "someone being left behind"**
- **The economy**
- **Stigma**
- **Diversity of ideas about expectations of people with disabilities**
- Future change in Administration may see less commitment
- No/lack of Funding

KEY PRIORITY AREAS

- **Communication**
 - **Education and Awareness, and Advocacy**
 - Marketing Plan be implemented
 - Technology be in place
 - **Reporting**
 - **Reporting data**
 - **Template development**

- **Data Standards, Needs & Analysis**
 - Standards and process for reviewing policies and procedures

- **Strategic Recommendations**

- **Commission Structure**